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\*\*E-filed 2/24/06\*\*

5 Attorneys for Defendant  
ArthroCare Corporation  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION  
11

12 ALLIED HEALTH ASSOCIATION, INC.  
and KENNETH P. CALLISON,

13 Plaintiffs,  
14  
15 v.  
16

ARTHROCARE CORPORATION, and  
DOES 1 THROUGH 100 INCLUSIVE,

17 Defendants.  
18

CASE NO. C 05-04276 JF

**STIPULATION AND [PROPOSED] ORDER  
TO CONTINUE CASE MANAGEMENT  
CONFERENCE**

Date: March 31, 2006  
Time: 10:30 a.m.  
Courtroom: 3, 5<sup>th</sup> Floor  
Judge: Hon. Jeremy Fogel

20 WHEREAS, Allied Health Association, Inc. and Kenneth P. Callison  
21 ("Plaintiffs") filed the Complaint in this action in Santa Clara County Superior Court on July 12,  
22 2005;

23 WHEREAS, on October 21, 2005, ArthroCare Corporation ("ArthroCare")  
24 removed this action to this Court on diversity grounds pursuant to 28 U.S.C. §1441(b);

25 WHEREAS, ArthroCare filed a Motion to Compel Arbitration and to Dismiss  
26 Action or Stay Proceedings Pending Arbitration (the "Motion") on November 9, 2005;

27 WHEREAS, Plaintiffs filed their opposition to ArthroCare's Motion on January 3,  
28 2006, and ArthroCare filed its reply in support of the Motion on January 27, 2006,

1           WHEREAS, the Court heard ArthroCare's Motion on February 10, 2006;

2           WHEREAS, the Initial Case Management Conference in this action is currently  
3 scheduled for March 10, 2006;

4           WHEREAS, the parties have met and conferred regarding the Initial Case  
5 Management Conference and agreed that further preparation for the Initial Case Management  
6 Conference would be premature while ArthroCare's Motion remains pending;

7           WHEREAS, the parties believe that continuing the date of the Initial Case  
8 Management Conference would promote the most efficient use of the Court's and the parties'  
9 resources by postponing further preparation for the Initial Case Management Conference, if  
10 necessary, until after the hearing on ArthroCare's motion;

11          THEREFORE, the parties hereby stipulate, and request the Court to order, that the  
12 date of the Initial Case Management Conference be continued to 10:30 a.m. on March 31, 2006.

14 Dated: February 21, 2006

LATHAM & WATKINS LLP

Peter T. Snow

16 By \_\_\_\_\_ /s/  
17 Peter T. Snow

18 Attorneys for Defendant  
ArthroCare Corporation

21 Dated: February 21, 2006

SAUCEDO & CORSIGLIA

Bradley M. Corsiglia

24 By \_\_\_\_\_ /s/  
25 Bradley M. Corsiglia

26 Attorneys for Plaintiffs  
Allied Health Association and  
Kenneth P. Callison

1 Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding  
2 signatures, I attest under penalty of perjury that concurrence in the filing of the document has  
3 been obtained from Bradley M. Corsiglia.

4  
5 Dated: February 21, 2006

LATHAM & WATKINS LLP

6  
7 Peter T. Snow

8 By \_\_\_\_\_ /s/  
9 Peter T. Snow  
Attorneys for Defendant  
ArthroCare Corporation

10  
11 \* \* \*

12  
13 **ORDER**

14 Pursuant to the stipulation of counsel, IT IS SO ORDERED.

15  
16 Dated: 2/23/06

  
The Honorable Jeremy Fogel  
United States District Judge

## CERTIFICATE OF SERVICE

I am employed in the County of San Mateo, State of California. I am over the age of 18 years and not a party to this action. My business address is Latham & Watkins LLP, 135 Commonwealth Drive, Menlo Park, CA 94025.

On February 21, 2006, I served the following documents described as:

**• STIPULATION AND [PROPOSED] ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE**

by serving true copies of the above-described documents in the following manner:

BY U.S. MAIL

I am familiar with the office practice of Latham & Watkins LLP for collecting and processing documents for mailing with the United States Postal Service. Under that practice, documents are deposited with the Latham & Watkins LLP personnel responsible for depositing documents with the United States Postal Service; such documents are delivered to the United States Postal Service on that same day in the ordinary course of business, with postage thereon fully prepaid. I deposited in Latham & Watkins LLP' interoffice mail a sealed envelope or package containing the above-described document and addressed as set forth below in accordance with the office practice of Latham & Watkins LLP for collecting and processing documents for mailing with the United States Postal Service:

John Case  
BENSON & CASE  
1660 S. Albion Street, Suite 1100  
Denver, CO 80222-4047  
Telephone: (303) 757-8300  
Facsimile: (303) 753-0444

I declare that I am employed in the office of a member of the Bar of, or permitted to practice before, this Court at whose direction the service was made and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 21, 2006, at Menlo Park, California.

/s/